

United States Circuit Judge for the Eleventh Circuit.

Harry Reid, Patrick J. Leahy, Mazie Hirono, Dianne Feinstein, Al Franken, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Sheldon Whitehouse, Benjamin L. Cardin, Tom Harkin, Barbara Boxer, Richard Blumenthal, Edward J. Markey, Richard J. Durbin, Charles E. Schumer, Elizabeth Warren.

The PRESIDING OFFICER. All time has been yielded back. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh District, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 37, as follows:

[Rollcall Vote No. 140 Ex.]

#### YEAS—57

Ayotte	Harkin	Murray
Baldwin	Heinrich	Nelson
Bennet	Heitkamp	Reed
Blumenthal	Hirono	Reid
Booker	Johnson (SD)	Rockefeller
Boxer	Kaine	Rubio
Brown	King	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Landrieu	Schumer
Carper	Leahy	Shaheen
Casey	Levin	Stabenow
Collins	Manchin	Tester
Coons	Markey	Udall (CO)
Donnelly	McCaskill	Udall (NM)
Durbin	Menendez	Walsh
Feinstein	Merkley	Warner
Franken	Mikulski	Warren
Gillibrand	Murkowski	Whitehouse
Hagan	Murphy	Wyden

#### NAYS—37

Alexander	Graham	Paul
Barrasso	Grassley	Portman
Blunt	Hatch	Risch
Chambliss	Heller	Roberts
Coats	Hoeben	Scott
Cochran	Inhofe	Sessions
Corker	Isakson	Shelby
Cornyn	Johanns	Thune
Crapo	Johnson (WI)	Toomey
Cruz	Kirk	Vitter
Enzi	Lee	Wicker
Fischer	McCain	
Flake	McConnell	

#### NOT VOTING—6

Begich	Burr	Moran
Boozman	Coburn	Pryor

The PRESIDING OFFICER. On this vote the yeas are 57 and the nays are 37. The motion is agreed to.

Under the previous order, with respect to the Talwani, Peterson, and Rosenstengel nominations, the motions

to reconsider are considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

The PRESIDING OFFICER. The Senator from Alabama.

#### CHANGE OF VOTE

Mr. SESSIONS. Mr. President, on rollcall vote 140, I voted aye and it was my intention to vote nay. Therefore, I ask unanimous consent that I be permitted to change my vote, since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. SESSIONS. I thank the Chair.

I would note that the issues revolving around judicial confirmations in which we are routinely voting on cloture after the execution of the nuclear option, we are having more of these votes than we used to have.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### EXECUTIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume executive session.

#### NOMINATION OF ROBIN S. ROSENBAUM TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The ACTING PRESIDENT pro tempore. The clerk will report the Rosenbaum nomination.

The assistant bill clerk read the nomination of Robin S. Rosenbaum, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

#### NOMINATION OF THEODORE REED MITCHELL TO BE UNDER SECRETARY OF EDUCATION

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the Mitchell nomination.

The bill clerk read the nomination of Theodore Reed Mitchell, of California, to be Under Secretary of Education.

Mr. FRANKEN. Mr. President, I yield back all time on the nomination.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Theodore Reed Mitchell, of California, to be Under Secretary of Education?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. The President will be immediately notified of the Senate's action.

Ms. WARREN. Mr. President, earlier today the Senate confirmed Indira Talwani to fill a judicial vacancy on the District Court for the District of Massachusetts.

Ms. Talwani's nomination came after she was recommended to me for this position by the Advisory Committee on Massachusetts Judicial Nominations. The Advisory Committee is comprised of distinguished members of the Massachusetts legal community, including prominent academics and litigators, and is chaired by former Massachusetts district court judge Nancy Gertner. The Advisory Committee's recommendation reflects the strength of Ms. Talwani's resume, the exceptionally warm reviews she received from those who have worked with her, and the firm conviction of the Massachusetts legal community that she will make an excellent district court judge.

Indira Talwani is the daughter of immigrants from India and Germany. She graduated with honors from Harvard University, and was later named Order of the Coif at Boalt Hall School of Law at the University of California, Berkeley. Immediately after law school, Ms. Talwani spent 1 year serving as a law clerk to Judge Stanley A. Weigel on the U.S. District Court for the Northern District of California, building practical experience that will serve her well as a district court judge. She subsequently worked for several years as an associate and later as a partner at the firm Altschuler, Berzon, Nussbaum, Berzon & Rubin in San Francisco, before moving in 1999 to join Segal Roitman, LLP in Boston, where she is currently a partner.

Ms. Talwani has an impressive track record as a litigator, having represented clients in matters before the Massachusetts State trial courts and appeals courts, as well as the district court to which she has been nominated, the Federal Courts of Appeals, and the U.S. Supreme Court.

In addition to her broad credentials and wide litigation experience, Ms. Talwani has developed particular expertise in legal issues that relate to employment. She is the associate editor of a treatise on the Family and Medical Leave Act compiled by the American Bar Association. Her work representing an investment advisor whistleblower who was allegedly retaliated against for reporting accounting irregularities to her supervisor earned her the distinction of being named one of Massachusetts Lawyers Weekly's Top 10 Lawyers for 2010, and she recently won a victory in that case on appeal before the U.S. Supreme Court.

Ms. Talwani is also committed to public service, providing pro bono representation to indigent clients. She has worked with Greater Boston Legal Services to ensure that low income clients have access to counsel.

Ms. Talwani's nomination is strongly supported by the Asian American Lawyers Association of Massachusetts. Asian Americans are a fast-growing segment of our State's population, and that growth is reflected in our State bench—which currently has 10 Asian American judges. Remarkably, when confirmed, Ms. Talwani will be the first

individual of Asian descent to serve on the Federal bench in Massachusetts.

Indira Talwani is a first-rate litigator with impressive credentials. Her unique professional and personal background will bring important perspective to the Federal bench in Massachusetts. I am proud to have recommended her to President Obama, and I have no doubt that she will have a long and distinguished career on as a member of the judiciary.

#### LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

#### HIRE MORE HEROES ACT OF 2014— MOTION TO PROCEED—Continued

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

##### ENERGY POLICY

Mr. HELLER. Mr. President, as has been discussed much this week, I believe our Nation needs a comprehensive energy policy that allows us to develop our own domestic resources and use existing resources more efficiently. The United States is blessed with an abundance of natural resources and we have to act to ensure an affordable, stable supply of energy needed to power our economy by developing them responsibly. Democrats and Republicans must work together to develop concrete policies that will lower prices, expand domestic production, and reduce our dependence on foreign sources of energy and minerals.

That is why the debate we are having in the Senate this week is so important. As a member of the Senate Energy and Natural Resources Committee, I have seen how much work has gone into the Energy Savings and Industrial Competitiveness Act so far and have enjoyed being part of that process. This committee also has oversight over many of the other important, responsible energy policies we have been debating this week. That is why I was disappointed to see a procedural step taken by the majority yesterday blocking consideration of any amendments—even amendments related to the very legislation we are considering today. I sincerely hope that prior to the cloture vote on this bill we can find a bipartisan path forward to vote on related amendments such as the Keystone XL Pipeline.

Earlier this week I filed two commonsense amendments that I hoped could be and would be included in the debate this week. These initiatives would expand renewable energy development across the West and put the brakes on job-killing regulations that threaten to drastically increase our constituents' electric bills at a time when middle-class families across this country have already been forced to tighten their belts. Both of these amendments are consistent with the

goals of the legislation before us today and are worthy of consideration, I believe, by this body.

My first amendment, No. 2987, mirrors legislation I introduced in the Senate last December, the Energy Consumers Relief Act. This initiative would help protect Americans from new billion-dollar EPA regulations that may increase energy prices and, of course, destroy jobs.

The United States, and especially my home State of Nevada, continues to grapple with high unemployment, with record numbers of Americans underemployed, and with families struggling to make ends meet. Instead of advocating for policies that would put people back to work, the Obama administration continues to develop rules that will increase Americans' utility costs, causing companies to lay off employees and stifle economic growth.

Just last month the EPA and the Army Corps of Engineers put forth a new rule that will significantly expand Federal regulatory authority under the Clean Water Act. This rule would have a chilling effect, particularly out West where our water resources are scant and hydropower plays a significant role in our energy portfolio. Just this week I visited with local irrigation managers and our rural electric cooperatives in my office, and they expressed strong concerns that the substantial regulatory costs associated with changes in jurisdiction and increased permitting requirements will result in bureaucratic barriers to economic growth, infrastructure development, and energy production.

These are the types of administrative actions Congress must rein in. My amendment would specifically require the EPA to be transparent when proposing and issuing energy-related regulations with an economic impact of \$1 billion or more. Additionally, it would prohibit the EPA from finalizing a rule if the Secretary of Energy, in consultation with other relevant agencies, determines the rule would cause significant adverse effects to the economy.

All we are talking about here is transparency and accountability. American taxpayers deserve nothing less from their government. It is important to note that this initiative passed the House with overwhelming bipartisan support last year. The Senate should do the same.

My second amendment, No. 2992, on which I teamed up with my friend from Montana, Senator JON TESTER, to craft, is an initiative we have been working on for many years. The Public Lands Renewable Energy Development Act is a strong bipartisan proposal that will help create jobs, progress towards energy independence, and preserve our Nation's natural wonders by spurring renewable energy development on public lands.

In Nevada we need jobs, not policies that make job creation more difficult. Energy is one of our State's greatest assets, and I believe continuing to de-

velop renewable and alternative sources are important for Nevada's economic future.

Geothermal and solar production in my State is an integral part of the United States's "all of the above" energy strategy. In fact, my home State of Nevada is often called the Saudi Arabia of geothermal. Our Nation's public lands can play a critical role in that mission, but uncertainty in the permitting process impedes or delays our ability to harness their renewable energy potential.

Under current law permits for wind and solar development are completed under the same process for other surface uses, such as pipelines, roads, or power lines. The public land management agencies need a permitting process tailored to the unique characteristics and impacts of renewable energy projects. This initiative develops a straightforward process that will drive investment towards the highest quality renewable sources.

In addition, the legislation establishes a revenue sharing mechanism that ensures a fair return for all. Since Federal lands are not taxable, State and local governments deserve a share of the revenues from the sales of energy production on public lands within their borders. These resources will help local governments deliver critical services and develop much-needed capital improvement projects, such as road maintenance, public safety, and law enforcement. Additionally, revenues will be utilized to support fish and wildlife conservation projects and to increase outdoor recreation, such as hunting, fishing, and hiking activities that serve as a critical economic engine in the rural parts of my State.

There is no doubt alternative sources of energy are a critical component of our "all of the above" energy future. While we work to develop and perfect alternative technologies, we need to secure our economy now by having an energy policy that respects the cause of the problem—supply and demand.

I hope the Senate can put partisan politics aside and have the opportunity to vote on related amendments to this bill—like those I have just discussed today. These strong bipartisan proposals will rein in harmful regulations and spur domestic energy production. Congress should take this opportunity to take a major step forward in implementing 21st century energy policies that will create jobs and keep consumer energy prices low.

I thank the Presiding Officer and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

##### REMEMBERING JIM OBERSTAR

Ms. KLOBUCHAR. Mr. President, I come to the Senate floor today to honor the life of a truly remarkable man—a devoted husband, a loving father and grandfather, a dedicated friend, and a true public servant. Jim